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PROJECT NO. 51812

ISSUES RELATED TO THE STATE
OF DISASTER FOR THE FEBRUARY
2021 WINTER WEATHER EVENT

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PUBLIC UTILITY COMMISSION
OF TEXAS

**ELECTRIC RELIABILITY COUNCIL OF TEXAS, INC.'S NOTICE OF
FEBRUARY 24, 2021 URGENT TELECONFERENCE MEETING OF THE
ERCOT BOARD OF DIRECTORS**

Given the need to convene on short notice to consider matters related to the recent extreme winter weather event that are urgent and time-sensitive, and the continuing Coronavirus Disease 2019 (COVID-19) pandemic situation and resulting inability to accommodate medium to large in-person groups and maintain proper social distancing requirements, Electric Reliability Council of Texas, Inc. (ERCOT) hereby provides notice to the Public Utility Commission of Texas (Commission) that it has scheduled an urgent meeting by teleconference of the ERCOT Board of Directors (Board) at 10:00 a.m. on February 24, 2021.

I. The February 2021 Extreme Winter Weather Event

In mid-February 2021, a polar vortex brought extremely cold air across the United States, spawning several storms and record low temperatures throughout large areas of the country, including Texas. On February 12, 2021, pursuant to Texas Government Code § 418.014, in response to an extreme winter weather event, Governor Greg Abbott issued a Declaration of a State of Disaster for all counties in Texas. The cold temperatures resulted in a winter record electricity demand, but also strained system infrastructure. On February 15, 2021, ERCOT declared its highest state of emergency, an Emergency Energy Alert (EEA) Level 3, due to exceptionally high electric demand caused by the cold weather and a reduction in supply due to many generating units tripping offline and becoming unavailable. As required by ERCOT Protocol Section 6.5.9.4.2, EEA Levels, in order to maintain the reliability of the ERCOT bulk electric system, ERCOT directed transmission operators in the ERCOT region to curtail firm load. On February 19, 2021, at approximately 9:00 a.m., the ERCOT system moved from EEA Level 3 to EEA Level 2, ending the curtailment directive, and at approximately 10:35 a.m., the system returned to normal conditions. In regard to this historic extreme winter weather event, several urgent market and system operations issues have arisen that require immediate

consideration, particularly given the devastating impact on residents and businesses in the ERCOT region, and cannot wait until the next regularly-scheduled Board meeting on April 13, 2021.

II. COVID-19 Pandemic Outbreak and Mandatory Social Distancing

The circumstances surrounding the international COVID-19 outbreak and the resulting need for ERCOT to conduct meetings via teleconference are set forth in ERCOT's April 6, 2020 *Notice of April 14, 2020 Urgent Teleconference Meeting of the ERCOT Board of Directors* in these Projects. ERCOT continues to monitor this extremely fluid and dynamic situation closely, and follow guidance from federal, state, and local health agencies, along with professional epidemiologist recommendations. As such, ERCOT intends to continue to restrict visitation on all ERCOT facilities for the foreseeable future. Consistent with this policy, after consultation with Technical Advisory Committee (TAC) and TAC Subcommittee leadership, on May 11, 2020, ERCOT announced via Market Notice that ERCOT and TAC leadership have determined that all stakeholder meetings will continue to operate remotely for the foreseeable future.

III. ERCOT Bylaws Allow for the Board to Meet on Urgent Matters on Advance Notice of Less than Seven Days, but Not Less than One Hour

While at least seven days' advance notice is typically required for Board meetings, ERCOT Bylaws Section 4.6(b) provides, consistent with Public Utility Regulatory Act (PURA) Section 39.1511(b), that the Board may meet on urgent matters on such shorter notice, not less than one hour, as the person or persons calling such meeting reasonably may deem necessary or appropriate for urgent matters. ERCOT Bylaws Section 4.6(b) defines "urgent matters" as follows:

For purposes of these Bylaws, an urgent matter is an emergency or public necessity (including but not limited to an imminent threat to public health and safety or to the ERCOT market or system), or a reasonably unforeseen situation. A matter shall be considered an urgent matter if it would be difficult or impossible for a quorum of Directors or subcommittee members to physically convene in one location and failure to consider the matter without delay may result in operational (including but not limited to those activities and functions affecting the ERCOT market or system), regulatory, legal, organizational or governance risk.

On February 17, 2021, Board Chairman Sally Talberg notified Board members that she was calling an urgent meeting of the Board, to be held at 10:00 a.m. on February 24, 2021, to consider issues relating to the February 2021 extreme winter weather event, and announced that the agenda would be posted on the ERCOT website no later than February 19, 2021. On February 19, 2021, after the ERCOT system returned to normal conditions earlier in the day and after the Commission concluded its Emergency Open Meeting which began around 5:30 p.m. that day, ERCOT finalized and posted a public agenda for the February 24, 2021 urgent Board meeting by teleconference on the ERCOT website. Agenda items for the urgent Board meeting are limited to urgent, time-sensitive matters related to the extreme winter weather event. Although the public agenda for the February 24, 2021 urgent Board meeting was not posted to ERCOT's website at least seven days prior to the meeting, due to the urgent nature of the matters that are expected to be considered and the need for discussion to occur without unreasonable delay, shorter notice was deemed necessary and appropriate in this instance.

IV. ERCOT Bylaws Allow for a Teleconference Board Meeting to Act on Urgent Matters and Discuss Non-Urgent Matters

In addition to the allowance for meetings on urgent matters to be held on short notice, while meetings of the Board are generally conducted in person, ERCOT Bylaws Sections 4.6(c) and 4.7(e) provide, consistent with PURA Section 39.1511(b), that meetings may be held via teleconference, but that at such meetings the Board may only take action on urgent matters. Given the national health recommendations, local and state orders and directives that have been issued (particularly with regard to physical social distancing in enclosed indoor areas), the speed of the transmission of COVID-19, and the serious health concerns about travel and crowds, ERCOT believes an in-person meeting of the Board could pose a significant public health and safety risk and it would be difficult or impossible for a quorum of Directors or subcommittee members to physically convene in one location. Accordingly, and also because the matters expected to be considered at the February 24, 2021 meeting are urgent in nature and delay of consideration may result in operational, regulatory, legal, organizational or governance risk to ERCOT, the conditions for an urgent meeting by teleconference have been met in accordance with the Bylaws. Accordingly, ERCOT has decided that the urgent Board meeting scheduled for 10:00 a.m. on February 24, 2021 will be held only via teleconference.

V. The Urgent Board Meeting will be Publicly Accessible Without Charge by Live Internet Video and Written Comments will be Accepted

As required by PURA Section 39.1511(c), ERCOT will make live Internet video of the general session (public portion) of each meeting publicly accessible without charge for viewing from an Internet website (webcast). Due to anticipated wide public interest within and outside the ERCOT region, given the subject of the urgent Board meeting on February 24, 2021, the webcast is expected to be viewed in significantly larger numbers than ERCOT's typical Board meetings. The number of viewers will be unknown until the time of the meeting. ERCOT staff has been working diligently to develop and implement alternate plans for the webcast to accommodate a larger number of viewers.

Although technical details and logistical plans are still in the process of being finalized internally and with ERCOT's webcasting vendor, Swagit Productions (with consideration for possible technical limitations on webcasting depending on the number of viewers) to accommodate a significantly larger than normal, but still unknown number of, viewers for such webcast, it is anticipated that the teleconference will be hosted by ERCOT through Cisco Webex, which will be simultaneously webcast live by Swagit Productions to the public on the ERCOT website or other widely-known public website at no charge. Details regarding viewing of the webcast will be available at the Board of Directors page on ERCOT.com once plans are finalized, but prior to the meeting start time, at: www.ercot.com/committee/board. In addition, ERCOT expects to utilize Webex's video functionality as part of this teleconference to display the meeting materials; and this video of the presentation materials will be webcast live to the public. To address public participation and comment on the agenda items of the urgent Board meeting as required by PURA Section 39.1511(b), on the agenda publicly posted on ERCOT's website, ERCOT has provided the public with instructions and contact information for providing public comments in writing on one or more of the agenda items in advance of the meeting by 10:00 a.m. on February 23, 2021.

Respectfully Submitted,

/s/ Vickie G. Leady

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